

CERTIFIED RECORD OF TRIAL

(and accompanying papers)

of

Cunningham

Grant

M

Cpl

(Last Name)

(First Name)

MI

(DoD ID No.)

(Rank)

MWSS-272, MAG 26

USMC

Camp Lejeune, NC

(Unit/Command Name)

(Branch of Service)

(Location)

By

Special Court-Martial (SPCM)

COURT-MARTIAL

(GCM, SPCM, or SCM)

Convened by

Commanding Officer

(Title of Convening Authority)

MWSS-272, MAG 26

(Unit/Command of Convening Authority)

Tried at

Camp Lejeune, NC

On

10 May & 11 August 2021

(Place or Places of Trial)

(Date or Dates of Trial)

Companion and other cases

(Rank, Name, DOD ID No., (if applicable), or enter "None")

CONVENING ORDER



UNITED STATES MARINE CORPS
MARINE WING SUPPORT SQUADRON 272
MARINE WING SUPPORT GROUP 27
2D MARINE AIRCRAFT WING
POSTAL SERVICE CENTER BOX 21032
JACKSONVILLE NORTH CAROLINA 28542-1032

5800
SPMCO 1-19
14 Nov 19

Special Court-Martial Convening Order 1-19

Pursuant to the authority in Article 23(a) of the Uniform Code of Military Justice (UCMJ), Rule for Court-Martial (R.C.M.) 504, and Section 0120b of the Manual of the Judge Advocate General (JAGMAN), a Special Court-Martial is hereby convened. It may try such persons as may be properly brought before it. The court shall meet at Marine Corps Base Camp Lejeune, North Carolina, unless otherwise directed. The court will be constituted as follows:

Members

Captain [REDACTED]

Captain [REDACTED]

First Lieutenant [REDACTED]

Chief Warrant Officer [REDACTED]

Master Sergeant [REDACTED]

Gunnery Sergeant [REDACTED]

Gunnery Sergeant [REDACTED]

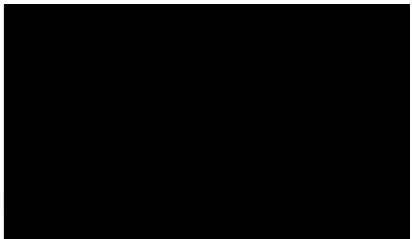
Staff Sergeant [REDACTED]

Sergeant [REDACTED]

Sergeant [REDACTED]



Lieutenant Colonel
U.S. Marine Corps
Commanding



CHARGE SHEET

CHARGE SHEET

I. PERSONAL DATA

1. NAME OF ACCUSED (Last, First, MI) CUNNINGHAM, Grant M.			2. EDIPI [REDACTED]	3. RANK/RATE Cpl	4. PAY GRADE E-4
5. UNIT OR ORGANIZATION Marine Wing Support Squadron 272, Marine Aircraft Group 26, 2d Marine Air Wing, Marine Corps Air Station New River, North Carolina			EAS: 7 Jan 22	6. CURRENT SERVICE a. INITIAL DATE 8 Jan 18	b. TERM 4 Yrs
7. PAY PER MONTH			8. NATURE OF RESTRAINT OF ACCUSED None	9. DATE(S) IMPOSED N/A	
a. BASIC	b. SEA/FOREIGN DUTY	c. TOTAL			
\$2,582.40	\$0.00	\$2,582.40			

II. CHARGES AND SPECIFICATIONS

10. **Charge I:** **Violation of the UCMJ, Article 91**

Specification (Disrespect Toward Noncommission Officer): In that Corporal Grant M. CUNNINGHAM, U.S. Marine Corps, on active duty, at or near Marine Corps Air Station New River, on or about 11 July 2020, was disrespectful in language toward Staff Sergeant [REDACTED] a noncommissioned officer, then known by the said Corporal CUNNINGHAM to be a superior noncommissioned officer, who was then in the execution of his office, by saying to him "Fuck you Staff Sergeant! It's Saturday!" or words to that effect.

Charge II: **Violation of the UCMJ, Article 92**

Specification (Violating a General Order): In that Corporal Grant M. CUNNINGHAM, U.S. Marine Corps, on active duty, did, at or near Marine Corps Air Station New River, on or about 11 July 2020, violate a lawful general order, which was his duty to obey, to wit: Paragraph 010502 of Marine Corps Order 5354.1E w/ Admin Ch, Volume 2, dated 15 June 2018, by wrongfully communicating "show me your titties you fat bitch!," or words to that effect, to Private First Class [REDACTED] U.S. Marine Corps.

(See Supplemental Page)

III PREFERRAL; SERVICE OF CHARGES

11a. NAME OF ACCUSER (Last, First, MI) [REDACTED]	b. GRADE PFC	c. ORGANIZATION OF ACCUSER HqSptBn, MCI-East, MCB, Camp Lejeune, NC
d. SIGNATURE OF ACCUSER [REDACTED]	e. DATE 1 March 2021	

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 1st day of March, 2021, and signed the foregoing charges and specifications under oath that she is a person subject to the Uniform Code of Military Justice and that she either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of her knowledge and belief.

 Typed Name of Officer
 Captain, U.S. Marine Corps

 Grade and Service
 [REDACTED]

 Signature

HqSptBn, MCI-East, MCB, Camp Lejeune, NC

 Organization of Officer
 Judge Advocate

 Official Capacity to Administer Oaths
 (See R.C.M. 307(b)--must be commissioned officer)

ORIGINAL

12. On 2 March, 2021, the accused was informed of the charges against him/her and of the name(s) of the accuser(s) known to me. (See R.C.M. 308(a)). (See R.C.M. 308 if notification cannot be made.)

[Redacted]
Typed Name of Immediate Commander

MWSS 272, MAG 26, 2D MAW, MCAS New River, NC
Organization of Immediate Commander

First Lieutenant, U.S. Marine Corps
[Redacted]

IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13. The sworn charges were received at 1012 hours, 2 March 2021 at MWSS 272, MAG 26, 2D MAW, MCAS New River, NC
Designation of Command or

Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)

FOR THE' COMMANDING OFFICER

[Redacted]
Typed Name of Officer

Legal Officer
Official Capacity of Officer Signing

First Lieutenant, U.S. Marine Corps
Grade

[Redacted]
Signature

V. REFERRAL; SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY
Marine Wing Support Squadron 272, Marine Aircraft Group 26, 2d Marine Air Wing

b. PLACE
MCAS New River, North Carolina

c. DATE
MAR 02 2021

Referred for trial to the Special court-martial convened by courts-martial convening order # I-19

dated 14 November 2019, subject to the following instructions:² Prior to referral, I consulted with Trial Counsel in accordance with R.C.M. 406A.

By XXXXXXXXXXXXXXXXXX of _____
Command or Order

[Redacted]
Typed Name of Officer

COMMANDING OFFICER
Official Capacity of Officer Signing

Lieutenant Colonel, U.S. Marine Corps
Grade

[Redacted]
Signature

15. On 2 March, 2021, I caused a copy hereof to be served on the above named accused.

[Redacted]

Captain, U.S. Marine Corps
Grade or Rank of Trial Counsel

personally, inapplicable words are stricken.
If none, so state.

ORIGINAL

Charge III: Violation of the UCMJ, Article 95a

Specification (Disrespect Towards Sentinel): In that Corporal Grant M. CUNNINGHAM, U.S. Marine Corps, on active duty, did, at or near Marine Corps Air Station New River, on or about 11 July 2020, then knowing that Corporal [REDACTED] was a sentinel or lookout, wrongfully use the following disrespectful language: "fuck the duty!," or words to that effect, to Corporal [REDACTED] and that such language was directed toward and within the hearing of Corporal [REDACTED] the sentinel in the execution of his duty.

Charge IV: Violation of the UCMJ, Article 108

Specification (Destroying Military Property): In that Corporal Grant M. CUNNINGHAM, U.S. Marine Corps, on active duty, did, at or near Marine Corps Air Station New River, on or about 11 July 2020, without proper authority, willfully damage by striking a barracks door handle, military property of the United States of some value, the amount of said damage being in the sum of about \$30.00.

Charge V: Violation of the UCMJ, Article 112a

Specification (Wrongful Use): In that Corporal Grant M. CUNNINGHAM, U.S. Marine Corps, on active duty, did, at or near Marine Corps Air Station New River, on or about 11 July 2020, wrongfully use Lysergic Acid Diethylamide.

Charge VI: Violation of the UCMJ, Article 120c

Specification 1 (Indecent Exposure): In that Corporal Grant M. CUNNINGHAM, U.S. Marine Corps, on active duty, did, at or near Marine Corps Air Station New River, on or about 11 July 2020, intentionally expose his genitalia, in an indecent manner, to wit:

- pointing his penis toward Staff Sergeant [REDACTED] and Corporal [REDACTED]
- slapping his penis with his hand;
- slapping his upper thighs;
- shaking his penis with his hand;
- rotating his pelvis; and
- humping the air while facing a balcony.

Charge VII: Violation of the UCMJ, Article 129

Specification (Unlawful Entry): In that Corporal Grant M. CUNNINGHAM, U.S. Marine Corps, on active duty, did, at or near Marine Corps Air Station New River, on or about 11 July 2020, unlawfully enter the real property of the United States, to wit: a barracks room assigned to Corporal [REDACTED]

Charge VIII: Violation of the UCMJ, Article 134

Specification 1 (Indecent Language): In that Corporal Grant M. CUNNINGHAM, U.S. Marine Corps, on active duty, did, at or near Marine Corps Air Station New River, on or about 11 July 2020, orally communicate to Staff Sergeant [REDACTED] certain indecent language, to wit: "suck my dick!," or words to that effect, and such conduct was to the prejudice of good order and disciplined in the armed forces.

DD Form 458, Charge Sheet, Supplemental Page 2 of 2
U. S. v. Cpl Grant M. CUNNINGHAM, U.S. Marine Corps

Specification 2: In that Corporal Grant M. CUNNINGHAM, U.S. Marine Corps, on active duty, did, at or near Marine Corps Air Station New River, on or about 11 July 2020, orally communicate certain language, to wit:

- “I want beer, pussy, cigarettes, it’s my Saturday!”
- “fucking nigger;”
- “Alabama nigger dicks;”
- “fuck you, fuck you, you ginger bitch;”
- “Nazi nigger ginger bitch;” and
- “I’m horny;”

or words to that effect, and that such conduct was to the prejudice of good order and discipline in the armed forces and of a nature to bring discredit upon the armed forces.

CHARGE SHEET

I. PERSONAL DATA

1. NAME OF ACCUSED (Last, First, MI) CUNNINGHAM, Grant M.			2. EDIPI [REDACTED]	3. RANK/RATE Cpl	4. PAY GRADE E-4
5. UNIT OR ORGANIZATION Marine Wing Support Section 272, Marine Aircraft Group 26, 2d Marine Air Wing, Marine Corps Air Station New River, North Carolina			EAS: 7 Jan 22	6. CURRENT SERVICE a. INITIAL DATE 8 Jan 18	b. TERM 4 Yrs
7. PAY PER MONTH			8. NATURE OF RESTRAINT OF ACCUSED None	9. DATE(S) IMPOSED N/A	
a. BASIC \$2,582.40	b. SEA/FOREIGN DUTY \$0.00	c. TOTAL \$2,582.40			

II. CHARGES AND SPECIFICATIONS

10. Additional Charge: **Violation of the UCMJ, Article 134**

Specification (Disorderly Conduct, Drunkenness): In that Corporal Grant M. CUNNINGHAM, U.S. Marine Corps, on active duty, was, at or near Marine Corps Air Station New River, on or about 11 July 2020, drunk and disorderly, and that said conduct was to the prejudice of good order and discipline in the armed forces and was of a nature to bring discredit upon the armed forces.

III PREFERRAL; SERVICE OF CHARGES

11a. NAME OF ACCUSER (Last, First, MI) [REDACTED]	b. GRADE PEC	c. ORGANIZATION OF ACCUSER HqSptBn, MCI-East, MCB, Camp Lejeune, NC
d. SIGNATURE OF ACCUSER [REDACTED]	e. DATE 11 August 2021	

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 11th day of August, 2021, and signed the foregoing charges and specifications under oath that she is a person subject to the Uniform Code of Military Justice and that she either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of her knowledge and belief.

 Typed Name of Officer
 Captain, U.S. Marine Corps
 Grade and Service

 Signature

HqSptBn, MCI-East, MCB, Camp Lejeune, NC
 Organization of Officer
 Judge Advocate
 Official Capacity to Administer Oaths
 (See R.C.M. 307(b)—must be commissioned officer)

12. On 11 August, 2021, the accused was informed of the charges against him/her and of the name(s) of the accuser(s) known to me. (See R.C.M. 308(a)). (See R.C.M. 308 if notification cannot be made.)

[Redacted]
Typed Name of Immediate Commander

MWSS 272, MAG 26, 2D MAW, Camp Lejeune, NC
Organization of Immediate Commander

Second Lieutenant, U.S. Marine Corps
[Redacted]

IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13. The sworn charges were received at 0800 hours, 11 August 2021 at MWSS 272, MAG 26, 2D MAW,
Camp Lejeune, NC Designation of Command or

Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)

FOR THE¹ COMMANDING OFFICER

[Redacted]
Typed Name of Officer

Legal Officer
Official Capacity of Officer Signing

Second Lieutenant, U.S. Marine Corps
[Redacted]

V. REFERRAL; SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY
Marine Wing Support Section 272, Marine Aircraft Group
26, 2d Marine Air Wing

b. PLACE
Camp Lejeune, North Carolina

c. DATE
11 Aug 21

Referred for trial to the Special court-martial convened by courts-martial convening order # 1-19

dated 27 September 2019, subject to the following instructions:² Prior to referral, I consulted with
Trial Counsel in accordance with R.C.M. 406A. To be tried in conjunction with charges preferred on 1 March 2021.

By XXXXXXXXXXXXXXXXXX of
Command or Order

[Redacted]
Typed Name of Officer

COMMANDING OFFICER
Official Capacity of Officer Signing

Lieutenant Colonel, U.S. Marine Corps
[Redacted]

15. On 11 August, 2021, I caused a copy hereof to be served on the above named accused.

[Redacted]

Captain, U.S. Marine Corps
Grade or Rank of Trial Counsel

FOOTNOTES

1 - When an appropriate commander signs personally, inapplicable words are stricken.
2 - See R.C.M. 601(e) concerning instructions. If none, so state.

TRIAL COURT MOTIONS & RESPONSES

**THERE ARE NO TRIAL COURT MOTIONS
AND RESPONSES**

REQUESTS

THERE ARE NO REQUESTS

NOTICES

THERE ARE NO NOTICES

COURT RULINGS & ORDERS

**THERE ARE NO COURT RULINGS
AND ORDERS**

STATEMENT OF TRIAL RESULTS

STATEMENT OF TRIAL RESULTS

SECTION A - ADMINISTRATIVE

1. NAME OF ACCUSED (last, first, MI) Cunningham, Grant M.	2. BRANCH Marine Corps	3. PAYGRADE E-4	4. DoD ID NUMBER [REDACTED]
5. CONVENING COMMAND Marine Wing Support Squadron 272	6. TYPE OF COURT-MARTIAL Special	7. COMPOSITION Judge Alone - MJA16	8. DATE SENTENCE ADJUDGED Aug 11, 2021

SECTION B - FINDINGS

SEE FINDINGS PAGE

SECTION C - TOTAL ADJUDGED SENTENCE

9. DISCHARGE OR DISMISSAL Not adjudged	10. CONFINEMENT N/A	11. FORFEITURES N/A	12. FINES N/A	13. FINE PENALTY N/A	
14. REDUCTION E-1	15. DEATH Yes <input type="radio"/> No <input checked="" type="radio"/>	16. REPRIMAND Yes <input type="radio"/> No <input checked="" type="radio"/>	17. HARD LABOR Yes <input type="radio"/> No <input checked="" type="radio"/>	18. RESTRICTION Yes <input checked="" type="radio"/> No <input type="radio"/>	19. HARD LABOR PERIOD N/A

20. PERIOD AND LIMITS OF RESTRICTION
60 days; rest. to pl of dty; Bks AS 4004, Rm 301 & chow hall @ MCAS New River; excps w/prior appr. of cmd; NCO escrt, dir. trvl to/fr.

SECTION D - CONFINEMENT CREDIT

21. DAYS OF PRETRIAL CONFINEMENT CREDIT 0	22. DAYS OF JUDICIALLY ORDERED CREDIT [REDACTED]	23. TOTAL DAYS OF CREDIT 0 days
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SECTION E - PLEA AGREEMENT OR PRE-TRIAL AGREEMENT

24. LIMITATIONS ON PUNISHMENT CONTAINED IN THE PLEA AGREEMENT OR PRE-TRIAL AGREEMENT
No punitive discharge may be adjudged, no confinement may be adjudged, no forfeitures shall be adjudged, no fine will be adjudged, a reduction to E-1 will be adjudged, 60 days of restriction shall be adjudged.

SECTION F - SUSPENSION OR CLEMENCY RECOMMENDATION

25. DID THE MILITARY JUDGE RECOMMEND SUSPENSION OF THE SENTENCE OR CLEMENCY? Yes <input type="radio"/> No <input checked="" type="radio"/>	26. PORTION TO WHICH IT APPLIES [REDACTED]	27. RECOMMENDED DURATION [REDACTED]
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28. FACTS SUPPORTING THE SUSPENSION OR CLEMENCY RECOMMENDATION
[REDACTED]

SECTION G - NOTIFICATIONS

29. Is sex offender registration required in accordance with appendix 4 to enclosure 2 of DoDI 1325.07?	Yes <input type="radio"/> No <input checked="" type="radio"/>
30. Is DNA collection and submission required in accordance with 10 U.S.C. § 1565 and DoDI 5505.14?	Yes <input checked="" type="radio"/> No <input type="radio"/>
31. Did this case involve a crime of domestic violence as defined in enclosure 2 of DoDI 6400.06?	Yes <input type="radio"/> No <input checked="" type="radio"/>
32. Does this case trigger a firearm possession prohibition in accordance with 18 U.S.C. § 922?	Yes <input checked="" type="radio"/> No <input type="radio"/>

SECTION H - NOTES AND SIGNATURE

33. NAME OF JUDGE (last, first, MI) Robles, Benjamin A.	34. BRANCH Marine Corps	35. PAYGRADE O-5	36. DATE SIGNED Aug 11, 2021	38. JUDGE'S SIGNATURE ROBLES.BE NJAMIN.A. Digitally signed by ROBLES.BENJAMI N.A. [REDACTED] Date: 2021.08.11 12:39:22 -04'00'
37. NOTES [REDACTED]				

STATEMENT OF TRIAL RESULTS - FINDINGS

SECTION I - LIST OF FINDINGS

CHARGE	ARTICLE	SPECIFICATION	PLEA	FINDING	ORDER OR REGULATION VIOLATED	LIO OR INCHOATE OFFENSE ARTICLE	DIBRS
Charge I: Plea: Not Guilty Finding:	91	Specification: Offense description: Withdrawn and Dismissed	<input type="text" value="Not Guilty"/>	<input type="text" value="W/D"/>			<input type="text" value="091-C2"/>
			Contempt or disrespect towards a superior noncommissioned or petty officer				
Charge II: Plea: Not Guilty Finding:	92	Specification: Offense description: Withdrawn and Dismissed	<input type="text" value="Not Guilty"/>	<input type="text" value="W/D"/>	MCO 5354 1E w/		<input type="text" value="092-A0"/>
			Violation of a lawful general order				
Charge III: Plea: Not Guilty Finding:	95a	Specification: Offense description: Withdrawn and Dismissed	<input type="text" value="Not Guilty"/>	<input type="text" value="W/D"/>			<input type="text" value="134-W1"/>
			Disrespect towards a sentinel				
Charge IV: Plea: Not Guilty Finding:	108	Specification: Offense description: Withdrawn and Dismissed	<input type="text" value="Not Guilty"/>	<input type="text" value="W/D"/>			<input type="text" value="108-C1"/>
			Willfully damaging/destroying/losing military property of a value of \$1000 or less				
Charge V: Plea: Guilty Finding:	112a	Specification: Offense description:	<input type="text" value="Guilty"/>	<input type="text" value="Guilty"/>			<input type="text" value="112AC1"/>
			Use of Schedule I / II / III controlled drugs				
Charge VI: Plea: Not Guilty Finding:	120c	Specification: Offense description: Withdrawn and Dismissed	<input type="text" value="Not Guilty"/>	<input type="text" value="W/D"/>			<input type="text" value="120CC3"/>
			Indecent exposure				
Charge VII: Plea: Not Guilty Finding:	129	Specification: Offense description: Withdrawn and Dismissed	<input type="text" value="Not Guilty"/>	<input type="text" value="W/D"/>			<input type="text" value="134-C8"/>
			Unlawful entry				
Charge VIII: Plea: Not Guilty Finding:	134	Specification 1: Offense description: Withdrawn and Dismissed	<input type="text" value="Not Guilty"/>	<input type="text" value="W/D"/>			<input type="text" value="None"/>
			Indecent language				
		Specification 2: Offense description: Withdrawn and Dismissed	<input type="text" value="Not Guilty"/>	<input type="text" value="W/D"/>			<input type="text" value="None"/>
			Indecent language				

STATEMENT OF TRIAL RESULTS - FINDINGS

SECTION I - LIST OF FINDINGS

CHARGE	ARTICLE	SPECIFICATION	PLEA	FINDING	ORDER OR REGULATION VIOLATED	LIO OR INCHOATE OFFENSE ARTICLE	DIBRS
Additional Charge I: Plea: Guilty Finding:	134	Specification: Offense description	Guilty	Guilty			134-J5
<p>Drunk and disorderly</p>							

MILITARY JUDGE ALONE SEGMENTED SENTENCE

SECTION J - SENTENCING

CHARGE	SPECIFICATION	CONFINEMENT	CONCURRENT WITH	CONSECUTIVE WITH	FINE
Charge I: Plea: Not Guilty Finding:	Specification:				
Charge II: Plea: Not Guilty Finding:	Specification:				
Charge III: Plea: Not Guilty Finding:	Specification:				
Charge IV: Plea: Not Guilty Finding:	Specification				
Charge V: Plea: Guilty Finding:	Specification	N/A			
Charge VI: Plea: Not Guilty Finding:	Specification				
Charge VII: Plea: Not Guilty Finding:	Specification				
Charge VIII: Plea: Not Guilty Finding:	Specification 1 Specification 2				
Additional Charge I: Plea: Guilty Finding:	Specification	N/A			

CONVENING AUTHORITY'S ACTIONS

POST-TRIAL ACTION

SECTION A - STAFF JUDGE ADVOCATE REVIEW

1. NAME OF ACCUSED (LAST, FIRST, MI) Cunningham, Grant M.		2. PAYGRADE/RANK E4	3. DoD ID NUMBER [REDACTED]
4. UNIT OR ORGANIZATION MWSS-272, MAG-26, 2d MAW		5. CURRENT ENLISTMENT 8 January 2018	6. TERM 4 yrs
7. CONVENING AUTHORITY (UNIT/ORGANIZATION) MWSS-272, MAG-26, 2d MAW	8. COURT-MARTIAL TYPE Special	9. COMPOSITION Judge Alone - MJA16	10. DATE SENTENCE ADJUDGED 11 August 2021

Post-Trial Matters to Consider

11. Has the accused made a request for deferment of reduction in grade?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
12. Has the accused made a request for deferment of confinement?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
13. Has the accused made a request for deferment of adjudged forfeitures?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
14. Has the accused made a request for deferment of automatic forfeitures?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
15. Has the accused made a request for waiver of automatic forfeitures?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
16. Has the accused submitted necessary information for transferring forfeitures for benefit of dependents?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
17. Has the accused submitted matters for convening authority's review?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
18. Has the victim(s) submitted matters for convening authority's review?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
19. Has the accused submitted any rebuttal matters?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
20. Has the military judge made a suspension or clemency recommendation?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
21. Has the trial counsel made a recommendation to suspend any part of the sentence?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
22. Did the court-martial sentence the accused to a reprimand issued by the convening authority?	<input type="radio"/> Yes	<input checked="" type="radio"/> No

23. Summary of Clemency/Deferment Requested by Accused and/or Crime Victim, if applicable.
 I have advised the Convening Authority of clemency authority based on the earliest findings of guilty for an offense committed on or after 1 January 2019 pursuant to R.C.M. 1109, MCM (2019 Ed.)

24. Convening Authority Name/Title [REDACTED] Commanding Officer	25. SJA Name [REDACTED]
26. SJA signature [REDACTED]	27. Date Sep 17, 2021

SECTION B - CONVENING AUTHORITY ACTION

28. Having reviewed all matters submitted by the accused and the victim(s) pursuant to R.C.M. 1106/1106A, and after being advised by the staff judge advocate or legal officer, I take the following action in this case: [If deferring or waiving any punishment, indicate the date the deferment/waiver will end. Attach signed reprimand if applicable. Indicate what action, if any, taken on suspension recommendation(s) or clemency recommendations from the judge.]

Special Court-Martial Order No. W21-22

Action.

In the Special Court-Martial case of United States v. Corporal Grant M. Cunningham, U.S. Marine Corps, the sentence is approved and will be executed.

Disposition.

The record of trial is forwarded to the Chief Review Officer, Legal Services Support Section East, Marine Corps Installations-East/Marine Corps Base, Camp Lejeune, North Carolina, for review under Article 65, UCMJ.

29. Convening authority's written explanation of the reasons for taking action on offenses with mandatory minimum punishments or offenses for which the maximum sentence to confinement that may be adjudged exceeds two years, or offenses where the adjudged sentence includes a punitive discharge (Dismissal, DD, BCD) or confinement for more than six months, or a violation of Art. 120(a) or 120(b) or 120b:

N/A.

30. Convening Authority's signature



31. Date

Sep 17, 2021

32. Date convening authority action was forwarded to PTPD or Review Shop.

SEP 23 2021

U N I T E D S T A T E S)
)
v.)
)
Grant M. Cunningham)
Corporal)
U.S. Marine Corps)

JUDGE ADVOCATE'S REVIEW
W21-22

20 Oct 21

1. Pursuant to Article 65(d), UCMJ, and Rule for Courts-Martial 1201, MCM (2019 ed.), I have reviewed this special court-martial, which was tried on 10 May 2021 and 11 August 2021, and I conclude that:

a. the court-martial had jurisdiction over the accused and the charged offense;

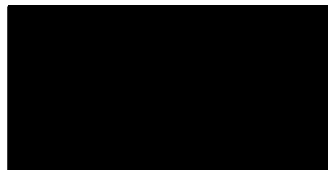
b. the specification for which there was a finding of guilty stated an offense;

c. the sentence approved by the convening authority is within legal limits; and

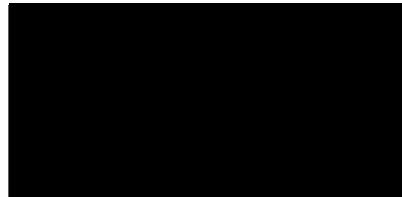
d. no corrective action is required as a matter of law.

2. A copy of this review is forwarded for delivery to the accused.

3. Ensure that this document is attached to the record of the accused and that an appropriate entry is made on the reverse side of the corresponding page 13 to reflect that review by a judge advocate has been conducted.



Colonel
U.S. Marine Corps
Judge Advocate



ENTRY OF JUDGMENT

ENTRY OF JUDGMENT

SECTION A - ADMINISTRATIVE

1. NAME OF ACCUSED (LAST, FIRST, MI) Cunningham, Grant M.		2. PAYGRADE/RANK E4	3. DoD ID NUMBER [REDACTED]
4. UNIT OR ORGANIZATION MWSS-272, MAG-26, 2d MAW		5. CURRENT ENLISTMENT 8 January 2018	6. TERM 4 yrs
7. CONVENING AUTHORITY (UNIT/ORGANIZATION) MWSS-272, MAG-26, 2d MAW	8. COURT-MARTIAL TYPE Special	9. COMPOSITION Judge Alone - MJA16	10. DATE COURT-MARTIAL ADJOURNED 11 August 2021

SECTION B - ENTRY OF JUDGMENT

****MUST be signed by the Military Judge (or Circuit Military Judge) within 20 days of receipt****

11. Findings of each charge and specification referred to trial. [Summary of each charge and specification (include at a minimum the gravamen of the offense), the plea of the accused, the findings or other disposition accounting for any exceptions and substitutions, any modifications made by the convening authority or any post-trial ruling, order, or other determination by the military judge. R.C.M. 1111(b)(1)]

Charge I: Violation of Article 91, UCMJ.

Plea: Not Guilty. Finding: Withdrawn and dismissed without prejudice, to ripen into prejudice upon completion of appellate review in which the findings and sentence are affirmed.

Specification: On or about 11 July 2020, was disrespectful in language toward SSgt [REDACTED] a noncommissioned officer, then known by the said Cpl Cunningham to be a superior noncommissioned officer, who was then in the execution of his office, by saying to him "Fuck you Staff Sergeant! It's Saturday!" or words to that effect. Plea: Not Guilty. Finding: Withdrawn and dismissed without prejudice, to ripen into prejudice upon completion of appellate review in which the findings and sentence are affirmed.

Charge II: Violation of Article 92, UCMJ.

Plea: Not Guilty. Finding: Withdrawn and dismissed without prejudice, to ripen into prejudice upon completion of appellate review in which the findings and sentence are affirmed.

Specification: Did, on or about 11 July 2020, violate a lawful general order, which was his duty to obey, to wit: Paragraph 010502 of MCO 5354.1E w/ Admin Ch, Volume 2, dated 15 June 2018, by wrongfully communicating "show me your titties you fat bitch!," or words to that effect, to PFC [REDACTED] USMC. Plea: Not Guilty. Finding: Withdrawn and dismissed without prejudice, to ripen into prejudice upon completion of appellate review in which the findings and sentence are affirmed.

Charge III: Violation of Article 95a, UCMJ.

Plea: Not Guilty. Finding: Withdrawn and dismissed without prejudice, to ripen into prejudice upon completion of appellate review in which the findings and sentence are affirmed.

Specification: Did, on or about 11 July 2020, then knowing that Cpl [REDACTED] was a sentinel or lookout, wrongfully use the following disrespectful language: "fuck the duty!," or words to that effect, to Cpl [REDACTED] and that such language was directed toward and within the hearing of Cpl [REDACTED] the sentinel in the execution of his duty. Plea: Not Guilty. Finding: Withdrawn and dismissed without prejudice, to ripen into prejudice upon completion of appellate review in which the findings and sentence are affirmed.

Charge IV: Violation of Article 108, UCMJ.

Plea: Not Guilty. Finding: Withdrawn and dismissed without prejudice, to ripen into prejudice upon completion of appellate review in which the findings and sentence are affirmed.

Specification: Did, on or about 11 July 2020, without proper authority, willfully damage by striking a barracks door handle, military property of the United States of some value, the amount of said damage being in the sum of about \$30.00. Plea: Not Guilty. Finding: Withdrawn and dismissed without prejudice, to ripen into prejudice upon completion of appellate review in which the findings and sentence are affirmed.

(See addendum page)

CONTINUATION SHEET - ENTRY OF JUDGMENT

11. Findings (Continued)

Charge V: Violation of Article 112a, UCMJ.

Plea: Guilty. Finding: Guilty.

Specification: Did, on or about 11 July 2020, wrongfully use Lysergic Acid Diethylamide. Plea: Guilty. Finding: Guilty.

Charge VI: Violation of Article, 120c.

Plea: Not Guilty. Finding: Withdrawn and dismissed without prejudice, to ripen into prejudice upon completion of appellate review in which the findings and sentence are affirmed.

Specification: Did, on or about 11 July 2020, intentionally expose his genitalia, in an indecent manner, to wit:

- pointing his penis toward SSgt [REDACTED] and Cpl [REDACTED]
- slapping his penis with his hand;
- slapping his upper thighs;
- shaking his penis with his hand;
- rotating his pelvis;and
- humping the air while facing the balcony.

Plea: Not Guilty. Finding: Withdrawn and dismissed without prejudice, to ripen into prejudice upon completion of appellate review in which the findings and sentence are affirmed.

Charge VII: Violation of Article 129, UCMJ.

Plea: Not Guilty. Finding: Withdrawn and dismissed without prejudice, to ripen into prejudice upon completion of appellate review in which the findings and sentence are affirmed.

Specification: Did, on or about 11 July 2020, unlawfully enter the real property of the United States, to wit: a barracks room assigned to Cpl [REDACTED] Plea: Not Guilty. Finding: Withdrawn and dismissed without prejudice, to ripen into prejudice upon completion of appellate review in which the findings and sentence are affirmed.

Charge VIII: Violation of Article 134, UCMJ.

Plea: Not Guilty. Finding: Withdrawn and dismissed without prejudice, to ripen into prejudice upon completion of appellate review in which the findings and sentence are affirmed.

Specification 1: Did, on or about 11 July 2020, orally communicate to SSgt [REDACTED] certain indecent language, to wit: "suck my dick!," or words to that effect, and such conduct was to the prejudice of good order and discipline in the armed forces. Plea: Not Guilty. Finding: Withdrawn and dismissed without prejudice, to ripen into prejudice upon completion of appellate review in which the findings and sentence are affirmed.

Specification 2: Did, on or about 11 July 2020, orally communicate certain language, to wit:

- "I want beer, pussy, cigarettes, it's my Saturday!,"
- "fucking nigger,"
- "Alabama nigger dicks,"
- "fuck you, fuck you, ginger bitch,"
- "Nazi nigger ginger bitch;" and
- "I'm horny,"

or words to that effect, and that such conduct was to the prejudice of good order and discipline in the armed forces and of a nature to bring discredit upon the armed forces. Plea: Not Guilty. Finding: Withdrawn and dismissed without prejudice, to ripen into prejudice upon completion of appellate review in which the findings and sentence are affirmed.

Additional Charge: Violation of Article 134, UCMJ.

Plea: Guilty. Finding: Guilty.

Specification: Was, on or about 11 July 2020, drunk and disorderly, and that said conduct was to the prejudice of good order and discipline in the armed forces and was of a nature to bring discredit upon the armed forces. Plea: Guilty. Finding: Guilty.

12. Sentence to be Entered. Account for any modifications made by reason of any post-trial action by the convening authority (including any action taken based on a suspension recommendation), confinement credit, or any post-trial rule, order, or other determination by the military judge. R.C.M. 1111(b)(2). If the sentence was determined by a military judge, ensure confinement and fines are segmented as well as if a sentence shall run concurrently or consecutively.

Military Judge: Reduction to pay grade E-1 and to be restricted to place of duty, and Barracks [REDACTED] or as otherwise directed, and the Station dining facility for a period of 60 days.

13. Deferment and Waiver. Include the nature of the request, the CA's Action, the effective date of the deferment, and date the deferment ended. For waivers, include the effective date and the length of the waiver. RCM 1111(b)(3)

N/A.

14. Action convening authority took on any suspension recommendation from the military judge:

N/A.

15. Judge's signature: ROBLES.BENJAMI Digitally signed by N.A. ROBLES.BENJAMIN.A. [REDACTED] Date: 2021.10.13 10:25:16 -04'00'	16. Date judgment entered: Oct 13, 2021
17. In accordance with RCM 1111(c)(1), the military judge who entered a judgment may modify the judgment to correct computational or clerical errors within 14 days after the judgment was initially entered. Include any modifications here and resign the Entry of Judgment. N/A.	
18. Judge's signature:	19. Date judgment entered:

APPELLATE INFORMATION

**THERE IS NO APPELLATE
INFORMATION AT THIS TIME**

REMAND

THERE WERE NO REMANDS

NOTICE OF COMPLETION OF APPELLATE REVIEW (NOCAR)